**MDE DISABILITY NONDISCRIMINATION PLAN**

The Maryland Department of the Environment (MDE) is committed to providing individuals with disabilities the opportunity for full participation in its programs, services, and activities through its compliance with Section 504 of the Rehabilitation Act of 1973 and the Americans with Disabilities Act (ADA) of 1990, as amended by the ADA Amendments Act of 2008.

MDE recognizes that individuals with disabilities may need accommodations or modifications to have equal opportunities to participate in or benefit from MDE’s programs, services and activities.

It is MDE’s policy that no otherwise qualified individual with a disability will be denied access to or participation in any program, service, or activity offered by MDE. MDE will administer programs, services, and activities in the most integrated setting appropriate to the needs of qualified individuals with disabilities.

MDE will provide appropriate auxiliary aids and services including, for example, qualified interpreters to individuals who are deaf or hard of hearing, and to other individuals as necessary to ensure effective communication or an equal opportunity to participate fully in the programs, services, and activities provided by MDE in a timely manner and in such a way as to protect the privacy and independence of the individual.

Individuals with disabilities have a right to request accommodations. Individuals will receive accommodations appropriate to their needs in order to fully participate in or benefit from MDE’s services and activities in a non-discriminatory, integrated setting.

MDE and any of its agents will not coerce, intimidate, retaliate against, or discriminate

against any individual for exercising a right under the ADA or Section 504, or for assisting or

supporting another to exercise a right under the ADA or Section 504.

**DEFINITIONS**

A. Disability means, with respect to an individual:

1. a physical or mental impairment that substantially limits one or more of the person's

major life activities;

2. a history of such an impairment; or

3. being regarded as having such an impairment.

B. Qualified Individual with a Disability is someone who (with or without accommodations) meets the essential eligibility requirements for participating in MDE’s programs, services, and activities.

C. Accommodation means adjustments including reasonable modifications to rules, policies, or practices; environmental adjustments such as the removal of architectural, communication, or transportation barriers; or auxiliary aids and services. Examples of accommodations include, but are not limited to: scribe, interpreter, environment free of distractions, material in Braille, tapes, and computer-assisted instruction.

**NONDISCRIMINATION COORDINATOR**

The Nondiscrimination Coordinator will coordinate MDE’s efforts to comply with Section

504 and ADA, including ensuring the following:

A. MDE will adopt and make readily available in suitable formats:

1. a procedure that allows an individual to disclose a disabling condition and request

 accommodations believed needed to obtain equal access to and enable participation in

MDE programs, services, and activities;

2. a procedure for maintaining personal information in a manner that protects the privacy

and independence of the individual; and

3. a procedure for providing accommodations.

B. MDE will maintain data on the nature and extent of the services provided to individuals with disabilities and develop data collection requirements as part of the operational guidelines for implementing this policy.

C. MDE will provide accommodations to allow individuals with disabilities to participate in

or benefit from MDE and its programs, services, and activities in the most integrated

setting appropriate.

D. MDE will utilize the grievance procedures set forth in in its nondiscrimination program

and policy for providing prompt and equitable resolution of complaints alleging any action

that would violate Title II of the ADA or Section 504. These procedures should be applicable

to any anticipated complaint, including an appeal of a denied accommodation request.

E. MDE will provide services that are required to comply with ADA and Section 504 free of

charge.

F. MDE will provide periodic in-service training for faculty and staff to develop awareness and understanding of the needs of individuals with disabilities and legal compliance issues.

**FACILITY ACCESSIBILITY**

Consistent with MDE’s self-assessment, MDE will consider the extent to which any MDE facilities are “public facilities” or will be used by the public. MDE will operate its programs and activities out of those facilities consistent with 40 C.F.R. § 7.65 so that, when each program or activity is viewed in its entirety, it is readily accessible to and usable by individuals with disabilities.

**ACCOMMODATIONS**

No participant with a disability in a MDE program, service or activity will be denied the

benefits of, be excluded from participation in, or be otherwise discriminated against in the

provision of services available to all individuals in general. Each individual is responsible for making requests regarding accommodations to meet their particular needs in order to enable MDE to provide an appropriate response to the accommodation request. Accommodations are not required that fundamentally alter the nature of the program, service, or activity; require waiver of essential program or licensure requirements; violate accreditation requirements; or pose an undue fiscal or administrative burden on MDE. MDE will not require an individual with a disability to accept an accommodation, aid, service, opportunity or benefit under any circumstances.